

ONTARIO REGULATION 642/20

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

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Amending O. Reg. 364/20

(RULES FOR AREAS IN STAGE 3)

1. Section 3 of Ontario Regulation 364/20 is amended by adding the following subsections:

(2) This Order applies throughout the Green Zone, the Yellow Zone and the Orange Zone.

(3) Despite subsection (2),

- (a) if this Order specifies that a particular requirement, condition, rule or other restriction applies in the Yellow Zone only, then the requirement, condition, rule or other restriction does not apply in the Green Zone or the Orange Zone;
- (b) if this Order specifies that a particular requirement, condition, rule or other restriction applies in the Orange Zone only, then the requirement, condition, rule or other restriction does not apply in the Green Zone or the Yellow Zone; and
- (c) if this Order specifies that a particular requirement, condition, rule or other restriction applies in both the Yellow Zone and the Orange Zone, then the requirement, condition, rule or other restriction does not apply in the Green Zone.

2. The Regulation is amended by adding the following sections:

Green Zone

3.1 In this Order, a reference to the Green Zone is a reference to all areas listed as being in the Green Zone of Stage 3 in section 1 of Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening) made under the Act.

Yellow Zone

3.2 In this Order, a reference to the Yellow Zone is a reference to all areas listed as being in the Yellow Zone of Stage 3 in section 2 of Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening) made under the Act.

Orange Zone

3.3 In this Order, a reference to the Orange Zone is a reference to all areas listed as being in the Orange Zone of Stage 3 in section 3 of Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening) made under the Act.

3. The Regulation is amended by adding the following section:

Safety plan

5. (1) A person who is required under this Order to prepare and make available a safety plan in accordance with this section, or to ensure that one is prepared and made available, shall comply with the requirement no later than seven days after the requirement first applies to the person.

(2) The safety plan shall describe the measures and procedures which have been implemented or will be implemented in the business, place, facility or establishment to reduce the transmission risk of COVID-19.

(3) Without limiting the generality of subsection (2), the safety plan shall describe how the requirements of this Order will be implemented in the location including by screening, physical distancing, masks or face coverings, cleaning and disinfecting of surfaces and objects, and the wearing of personal protective equipment.

(4) The safety plan shall be in writing and shall be made available to any person for review on request.

(5) The person responsible for the business, place, facility or establishment shall ensure that a copy of the safety plan is posted in a conspicuous place where it is most likely to come to the attention of individuals working in or attending the location.

4. Section 2 of Schedule 1 to the Regulation is amended by adding the following subsection:

(7) A person shall wear appropriate personal protective equipment that provides protection of the person's eyes, nose and mouth if, in the course of providing services, the person,

- (a) is required to come within 2 metres of another person who is not wearing a mask or face covering in a manner that covers that person's mouth, nose and chin during any period when that person is in an indoor area; and

(b) is not separated by plexiglass or some other impermeable barrier from a person described in clause (a).

5. (1) Section 4 of Schedule 1 to the Regulation is amended by adding the following subsections:

(1.1) The person responsible for a business or place that is open shall not permit the booking of more than one room for any particular event or a social gathering.

(1.2) In the Yellow Zone, the following additional rules apply to a person who is responsible for a business or place that rents out meeting or event space:

1. The person must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
2. The person must ensure that no more than six people are seated together at any table in the rented space.
3. The person must ensure that the meeting or event space is closed to the public between the hours of 12 a.m. and 5 a.m.
4. The person must ensure that music is not played at a decibel level that exceeds the level at which normal conversation is possible.
5. The person responsible for the business or place must,
 - i. record the name and contact information of every member of the public who attends a meeting or event,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(1.3) In the Orange Zone, the following additional rules apply to a person who is responsible for a business or place that is open and that rents out meeting or event space:

1. The person must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
2. The person must ensure that no more than four people are seated together at any table in the rented space.
3. The person must ensure that the meeting or event space is closed to the public between the hours of 10 p.m. and 5 a.m.
4. The person must ensure that music is not played at a decibel level that exceeds the level at which normal conversation is possible.
5. The person responsible for the business or place must,
 - i. record the name and contact information of every member of the public who attends a meeting or event,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(2) Subsection 4 (2) of Schedule 1 to the Regulation is amended by striking out “Subsection (1) does not apply” at the beginning and substituting “Subsections (1) to (1.3) do not apply”.

(3) Subsection 4 (3) of Schedule 1 to the Regulation is amended by striking out “Subsection (1) does not apply” at the beginning and substituting “Subsections (1) to (1.3) do not apply”.

(4) Subsections 4 (4) and (5) of Schedule 1 to the Regulation are revoked and the following substituted:

(4) Subsections (1) to (1.3) do not apply to the rental of meeting or event space,

(a) for operations by or on behalf of a government; or

(b) for the purpose of delivering or supporting the delivery of government services.

(5) Subsection (1) does not apply in Stage 3 areas outside of the Orange Zone if the rental of meeting or event space is in compliance with a plan for the rental of meeting or event space approved by the Office of the Chief Medical Officer of Health.

(5) Section 4 of Schedule 1 to the Regulation is amended by adding the following subsection:

(6) In the Yellow Zone and the Orange Zone, despite anything else in this section, the person responsible for a business or place in which a rental described in subsection (2), (3) or (4) takes place must,

- (a) record the name and contact information of every member of the public who attends a meeting or event,
- (b) maintain the records for a period of at least one month, and
- (c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

6. (1) Subsection 4.1 (1) of Schedule 1 to the Regulation is amended by adding “In the Yellow Zone” at the beginning.

(2) Section 4.1 of Schedule 1 to the Regulation is amended by adding the following subsection:

(1.1) In the Orange Zone, the person responsible for a business or place that is open and in which liquor is sold or served under a licence or a special occasion permit shall ensure that,

- (a) liquor is sold or served only between 9 a.m. and 9 p.m.; and
- (b) no consumption of liquor is permitted in the business or place between the hours of 10 p.m. and 9 a.m.

(3) Subsection 4.1 (2) of Schedule 1 to the Regulation is amended by striking out “subsection (1)” and substituting “subsections (1) and (1.1)”.

7. Schedule 1 to the Regulation is amended by adding the following section:

School teaching person holding study permit

5.1 A school or private school within the meaning of the *Education Act* may provide in-person teaching or instruction to a person who holds a study permit issued under the *Immigration and Refugee Protection Act* (Canada) and who enters Canada on or after November 17, 2020, only if the school or private school,

- (a) has a plan respecting COVID-19 that has been approved by the Minister of Education; and
- (b) operates in accordance with the approved plan.

8. (1) Subsection 1 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

- 3.1 If an outdoor dining area at the establishment is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- 3.2 If the outdoor dining area at the establishment is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.

(2) The French version of subparagraph 5 iii of subsection 1 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

- iii. ne doit divulguer ces renseignements qu’à un médecin-hygiéniste ou à un inspecteur au sens de la *Loi sur la protection et la promotion de la santé*, sur demande, à une fin précisée à l’article 2 de cette loi ou que si la loi l’exige par ailleurs.

(3) Paragraph 6 of subsection 1 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

- 6. In the Yellow Zone, the establishment must be closed to the public between the hours of 12 a.m. and 5 a.m. except as may be necessary to,
 - i. allow patrons to temporarily enter the establishment to place, pick up or pay for a takeout order,
 - ii. provide drive-through or delivery service,
 - iii. provide dine-in service only for persons who are performing work for the business or place in which the establishment is located, or
 - iv. provide access to washrooms.
- 6.1 In the Orange Zone, the establishment must be closed to the public between the hours of 10 p.m. and 5 a.m. except as may be necessary to,
 - i. allow patrons to temporarily enter the establishment to place, pick up or pay for a takeout order,
 - ii. provide drive-through or delivery service,
 - iii. provide dine-in service only for persons who are performing work for the business or place in which the establishment is located, or
 - iv. provide access to washrooms.

(4) Subsection 1 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

- 7. No patron may be permitted to line up or congregate outside the establishment unless the patron,
 - i. maintains a physical distance of at least two metres from other persons outside the establishment, and
 - ii. wears a mask or face covering in a manner that covers their mouth, nose and chin, unless the patron is entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.

8. In the Yellow Zone and the Orange Zone, the person responsible for the establishment must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
9. In the Yellow Zone and the Orange Zone, music must not be played at a decibel level that exceeds the level at which normal conversation is possible.
10. In the Yellow Zone, no more than six people may be seated together at a table in the establishment.
11. In the Orange Zone, no more than four people may be seated together at a table in the establishment.
12. In the Orange Zone, the total number of patrons permitted to be seated indoors in the establishment must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed 50 patrons.

(5) Section 1 of Schedule 2 to the Regulation is amended by adding the following subsections:

(1.0.1) In the Yellow Zone and the Orange Zone, despite subparagraph 5 i of subsection (1), the person responsible for an establishment must record the name and contact information of every patron that enters an indoor or outdoor dining area in the establishment, unless the patron temporarily enters the area to place, pick up or pay for a takeout order.

(1.0.2) Subsection (1.0.1) does not apply with respect to an establishment which requires all dine-in patrons to order or select their food or drink at a counter, food bar or cafeteria line and pay before receiving their order.

(6) Subsection 1 (1.1) of Schedule 2 to the Regulation is revoked and the following substituted:

(1.1) Paragraphs 6 and 6.1 of subsection (1) do not apply with respect to establishments on hospital premises or in airports.

(7) Section 1 of Schedule 2 to the Regulation is amended by adding the following subsection:

(4.1) For greater certainty, any business, place, facility or establishment at which food or drink is sold or served, including those referred to in section 4 of Schedule 1 and sections 5, 10, 11, 12, 14, 17, 18, 19.1 and 19.2 of this Schedule, is a food or drink establishment to which this section applies,

- (a) at any time when food or drink is served or sold at the business, place, facility or establishment; and
- (b) in any part of the business, place, facility or establishment where the food or drink is served or sold.

9. (1) Section 4 of Schedule 2 to the Regulation is amended by adding the following paragraph:

1.1 In the Orange Zone, no personal care services that require the removal of a mask or face covering may be provided.

(2) Paragraph 2 of section 4 of Schedule 2 to the Regulation is amended by adding “In Stage 3 areas outside of the Orange Zone” at the beginning.

(3) Paragraph 3 of section 4 of Schedule 2 to the Regulation is revoked and the following substituted:

3. Oxygen bars, steam rooms and saunas must be closed.

(4) Section 4 of Schedule 2 to the Regulation is amended by adding the following paragraphs:

4. In the Yellow Zone and the Orange Zone, the person responsible for the establishment must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
5. In the Yellow Zone and the Orange Zone, the person responsible for the establishment must,
 - i. record the name and contact information of every patron,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
6. In the Orange Zone, the person responsible for the establishment must ensure that,
 - i. subject to subsection 13 (2) of this Schedule, any locker rooms, change rooms and showers must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the business that is used to provide first aid, and
 - ii. any whirlpools, baths, hot tubs, floating pools or sensory deprivation pods must be closed, unless they are used for a therapeutic purpose prescribed by, or administered by, a regulated health professional.

10. Schedule 2 to the Regulation is amended by adding the following sections:

Retail sales, rentals

6.1 (1) No patron may be permitted to line up or congregate outside the establishment unless the patron,

- (a) maintains a physical distance of at least two metres from other persons outside the establishment; and

- (b) wears a mask or face covering in a manner that covers their mouth, nose and chin, unless the patron is entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.

(2) In the Yellow Zone and the Orange Zone, a place of business that engages in the retail sale, or rental, of items to the public may open if music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible.

Shopping malls

6.2 In the Yellow Zone and the Orange Zone, the person responsible for a shopping mall must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

11. Section 8 of Schedule 2 to the Regulation is revoked and the following substituted:

Facilities for sports and recreational fitness activities

8. Facilities for sports and recreational fitness activities, including gymnasiums, health clubs, community centres, multi-purpose facilities, arenas, exercise studios, yoga and dance studios and other fitness facilities, may open for sports and recreational fitness activities if they comply with the following conditions:

physical distancing

1. Every person at the facility must maintain a physical distance of at least two metres from every other person unless they are engaged in a sport.
2. In the Yellow Zone and the Orange Zone, every person in areas of the facility containing weights or exercise machines and every person participating in a fitness or exercise class must maintain a physical distance of at least three metres from every other person.

total members of the public permitted in the facility

3. The total number of members of the public permitted to be at the facility in all classes, organized programs and organized activities at any one time must be limited to the number that can maintain a physical distance of at least two metres from other persons in the facility, and in any event cannot exceed,
 - i. 50 persons, if any of the classes, organized programs or organized activities taking place at the time are indoors, or
 - ii. 100 persons, if all of the classes, organized programs or organized activities taking place at the time are outdoors.
4. The total number of members of the public permitted to be at the facility in all areas containing weights or exercise machines at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the facility, and in any event cannot exceed 50 persons.
5. In the Yellow Zone and the Orange Zone,
 - i. the total number of members of the public permitted to be in any particular indoor fitness or exercise class at the facility must be limited to the number that can maintain a physical distance of at least three metres from other persons in the facility, and in any event cannot exceed 10 people,
 - ii. each indoor fitness or exercise class at the facility must take place in a separate room, and
 - iii. the total number of members of the public permitted to be in any particular outdoor fitness or exercise class at the facility must be limited to the number that can maintain a physical distance of at least three metres from other persons in the facility, and in any event cannot exceed 25 people.
6. In the Orange Zone, the total number of members of the public permitted to be indoors at the facility in all classes, organized programs or organized activities together with the total number of members of the public in all areas containing weights or exercise machines cannot exceed 50 people.

sports played in the facility

7. Sports may only be practised or played within the facility if they do not allow for physical contact between players or if they have been modified to avoid physical contact between the players.
8. Organized team sports that are practised or played by players in a league may only be practised or played within the facility if the league either,
 - i. contains no more than 50 players and does not permit its teams to play against teams outside of the league, or
 - ii. divides its teams into groups of 50 or fewer players and does not permit teams in different groups to play against one another or against teams outside of the league.
9. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use or, where used in a game or practice, at the end of play, such as at the completion of a game or practice.

10. Activities must not be practised or played within the facility if they require the use of fixed structures that cannot be cleaned and disinfected between each use or, where used in a game or practice, at the end of play.

spectators in the facility

11. The total number of spectators permitted to be at the facility at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the facility, and in any event cannot exceed,
 - i. 50 spectators, if the spectators will be indoors, or
 - ii. 100 spectators, if the spectators will be outdoors.
12. In the Orange Zone, no spectators are permitted to be in the facility, but each person under the age of 18 years who is engaged in activities in the facility may be accompanied by one parent or guardian.

miscellaneous rules

13. Any instruction given to members of the public who are engaged in a class, an organized program or an organized activity that is not a sport,
 - i. must be delivered through a microphone if, without a microphone, the instructor would need to raise their voice beyond the level of normal conversation, and
 - ii. must not encourage loud talking, singing or shouting.
14. Music must not be played in the facility at a decibel level that exceeds the level at which normal conversation is possible.
15. Facilities for sports and recreational fitness activities may open to provide space for a day camp for children that is in compliance with subsection 9 (1).
16. In the Yellow Zone and the Orange Zone, the person responsible for the facility must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
17. In the Yellow Zone and the Orange Zone, the person responsible for the facility must ensure that,
 - i. the name and contact information of every member of the public who enters an indoor area of the facility are recorded,
 - ii. the records are maintained for a period of at least one month, and
 - iii. the records are disclosed only to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
18. In the Yellow Zone and the Orange Zone, no member of the public may enter the facility unless they have made a reservation to do so. In the case of members of the public participating in a team sport, only one reservation per team is required.
19. In the Orange Zone, no member of the public may be indoors at the facility for longer than 90 minutes at a time unless the member of the public is in the facility to engage in a sport.

plan approved by the Office of the Chief Medical Officer of Health

20. In areas outside of the Orange Zone, paragraphs 3, 4, 5 and 11 do not apply with respect to facilities for sports and recreational fitness activities if the facility operates in accordance with a plan for the operation of facilities for sports and recreational fitness activities approved by the Office of the Chief Medical Officer of Health.
21. Paragraphs 1 to 10 do not apply with respect to facilities for sports teams in one of the following leagues if the facility operates in accordance with a return to play plan approved by the Office of the Chief Medical Officer of Health:
 - i. Canadian Elite Basketball League.
 - ii. Canadian Football League.
 - iii. Major League Baseball.
 - iv. Major League Soccer.
 - v. National Basketball Association.
 - vi. National Hockey League.
 - vii. National Lacrosse League.

high-performance athletes and paraspport athletes

22. Paragraphs 1 to 10 do not apply with respect to a facility, or a particular room at a facility, during periods when the facility or the particular room is exclusively being used by persons who are athletes, coaches and officials training or competing to be a part of Team Canada at the next summer or winter Olympic Games or Paralympic Games if the persons are,
- i. identified by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee, and
 - ii. permitted to train, compete, coach or officiate under the safety protocols put in place by a national sport organization mentioned in subparagraph i.
23. Paragraph 1 does not apply to parasport athletes and their attendants or guides.

12. Subsection 9 (1) of Schedule 2 to the Regulation is amended by striking out “summer”.

13. (1) Subsection 10 (2) of Schedule 2 to the Regulation is amended by adding “In Stage 3 areas outside of the Orange Zone” at the beginning.

(2) Section 10 of Schedule 2 to the Regulation is amended by adding the following subsections:

- (4) In the Yellow Zone and the Orange Zone, the person responsible for the cinema must,
- (a) record the name and contact information of every member of the public who enters the cinema,
 - (b) maintain the records for a period of at least one month, and
 - (c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
- (5) In the Yellow Zone and the Orange Zone, the person responsible for the cinema must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

14. (1) Subparagraph 3 i of subsection 11 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

- i. if it is necessary for the purposes of the performance or rehearsal that the performers or persons who provide work for the business or place must be closer to each other, or

(2) Subsection 11 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

- 4. In the Yellow Zone and the Orange Zone, the person responsible for the venue must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
- 5. In the Yellow Zone and the Orange Zone, the person responsible for the venue must ensure that,
 - i. the name and contact information of every spectator or other person who enters the venue are recorded,
 - ii. the records are maintained for a period of at least one month, and
 - iii. the records are disclosed only to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

15. Subsection 13 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

- (1) Steam rooms and saunas are closed.

16. Subsection 14 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

- 3. In the Yellow Zone and the Orange Zone, the person responsible for the establishment must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
- 4. In the Yellow Zone and the Orange Zone, the person responsible for the establishment must,
 - i. record the name and contact information of every member of the public who enters the establishment,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

17. Section 17 of Schedule 2 to the Regulation is amended by adding “of this Schedule” at the end.

18. (1) The French version of subparagraph 4 iii of subsection 19 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

- iii. ne doit divulguer ces renseignements qu’à un médecin-hygiéniste ou à un inspecteur au sens de la *Loi sur la protection et la promotion de la santé*, sur demande, à une fin précisée à l’article 2 de cette loi ou que si la loi l’exige par ailleurs.

(2) The French version of subparagraph 6 iii of subsection 19(2) of Schedule 2 to the Regulation is revoked and the following substituted:

- iii. ne doit divulguer ces renseignements qu'à un médecin-hygiéniste ou à un inspecteur au sens de la *Loi sur la protection et la promotion de la santé*, sur demande, à une fin précisée à l'article 2 de cette loi ou que si la loi l'exige par ailleurs.

19. Section 19.1 of Schedule 2 to the Regulation is revoked and the following substituted:

Strip clubs

19.1 (1) In the Orange Zone, strip clubs are closed.

(2) In any zone other than the Orange Zone, the person responsible for a strip club that is open must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

20. Schedule 2 to the Regulation is amended by adding the following section:

Bathhouses, sex clubs

19.2 (1) In the Orange Zone, bathhouses and sex clubs are closed.

(2) In any zone other than the Orange Zone, the person responsible for a bathhouse or sex club that is open must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

21. Schedule 3 to the Regulation is amended by adding the following section:

Exception, members of single household

1.1 Section 1 does not apply with respect to a gathering of members of a single household.

Commencement

22. This Regulation comes into force on the later of November 7, 2020 and the day it is filed.

Français

[Back to top](#)